

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 05-cv-178-JD

Land and Buildings Located
at 4 Meetinghouse Terrace,
Bedford, New Hampshire, et al.

SEALED ORDER

Claimant Edward D. Berthiaume moves for appointment of counsel pursuant to 18 U.S.C. § 983(b) and supports his motion with a financial declaration. Berthiaume is incarcerated pending criminal proceedings in state court. His financial affidavit establishes that he has no income and few, if any, assets. Berthiaume also represents that the property that is subject to forfeiture in this action, 551 Silver Street, Manchester, New Hampshire, is his primary residence. The government has not filed a response to Berthiaume's motion for appointment of counsel.

Based on his financial declaration and his representation that the property at 551 Silver Street is his primary residence, Berthiaume is entitled to be represented by counsel from the Legal Services Corporation. § 983(b)(2)(A).

Conclusion

For the foregoing reasons, the claimant's motion for appointment of counsel (document no. 102) is granted. The clerk of court shall contact the Legal Services Corporation and arrange for counsel to represent Edward D. Berthiaume in this proceeding.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 19, 2006

cc: Peter D. Anderson, Esquire
R. Matthew Cairns, Esquire
George T. Campbell, III, Esquire
William E. Christie, Esquire
Michael J. Iacopino, Esquire
Victor Manougian, Esquire
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Edward D. Barthiaume